



Entered on Docket  
September 27, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Third Omnibus  
Objection Of USACM Trust To Proofs Of  
Claim Based Entirely Upon Investment In  
The Brookmere Matteson Loan**

Hearing Date: August 30, 2011

Hearing Time: 10:30 a.m.

The Court having considered the "Third Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The Brookmere Matteson Loan," ("Brookmere Matteson Loan") [DE 8656] (the "Objection"); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; no

1 response to the Objection having been filed; the Court noting on the record that the  
2 disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders' right to  
3 repayment by the borrower or from the collateral securing the Brookmere Matteson Loan;  
4 and good cause appearing:

5 **IT IS ORDERED** that:

- 6 1. The Objection [DE 8656] is sustained; and  
7 2. The claims listed on **Exhibit A** attached are disallowed in full because those  
8 claims are based entirely upon an investment in the Brookmere Matteson Loan.

9  
10 PREPARED AND RESPECTFULLY SUBMITTED BY:

11 **LEWIS AND ROCA LLP**

12  
13 By /s/ John Hinderaker (AZ #018024)

14 Robert M. Charles, Jr.

15 John Hinderaker (*pro hac vice*)

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## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

\_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

\_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:  
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)  
Attorneys for USACM Liquidating Trust

# # #

**USACM Trust  
Brookmere/Matteson  
Single Loan Claims**

<b>Claim</b>	<b>Date Claim was Filed</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount Relating to the Brookmere/ Matteson \$27,050,000 Loan</b>	<b>Approximate Amount Subject to Objection Because it Relates to an Investment In the Brookmere/ Matteson \$27,050,000 Loan</b>
10725-00241	9/26/2006	Pardo Family Trust DTD 4/13/90	C/O Betty R Pardo Trustee 10932 Mill Cove Ave Las Vegas, NV 89134-7213	Unknown	Unknown
10725-01014	11/6/2006	Preswick Corp	1400 Colorado St Ste C Boulder City, NV 89005-2448	97,656.33	97,656.33
10725-01185	11/7/2006	Simon, Ruby	8728 Castle View Ave Las Vegas, NV 89129-7680	9,124.00	9,124.00
10725-01198	11/10/2006	Simon, Ruby	8728 Castle View Ave Las Vegas, NV 89129-7680	37,553.69	37,553.69
10725-00383	9/29/2006	Sturza, Harold	2705 Orchid Valley Dr. Las Vegas, NV 89134	6,120.90	6,120.90
10725-02269	1/12/2007	Tripp Family Trust	Walter C Tripp Tee 5590 Briarhills LN Reno, NV 89502	12,508.62	6,254.31
10725-01026	10/27/2006	Yonai, Gregory D Family Trust	C/O Gregory D Yonai Trustee 1982 Country Cove Ct Las Vegas, NV 89135-1552	6,900.00	6,900.00

**EXHIBIT A**

2411380.1